

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
November 21, 2004
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:42 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount, Albert Colby, Jr., Valerie Tweedie, Doug Craven, Steve Lenhart, Angie Wooden, John Espinosa, Barry Crowell, Dawn Shenoskey, Marty Van De Car,

Commission, Boards and Committees: Judy Pierzynowski, Beverly Wemigwase

Guests: Carol McFall, Richard Wemigwase, Marcia Sutton, Dorothy Boda

Opening Ceremony: Beatrice A. Law

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to adopt the agenda for November 21, 2004 in honor of "The Gathering of Eagle Staffs in Unity". The staffs represent the honoring of our past, present and our future as Anishinaabek. The Eagle Staffs represent a celebration of our strength in maintaining our language and culture. As the Eagle Staffs and people gather, we take a stand for Unity.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the minutes on November 7, 2004 as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the verbal and written Tribal Treasurer's report as presented by Valerie Tweedie, C.F.O. for November 21, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Tribal Administrator's report written and verbal as presented November 21, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:12 a.m. recess called

11:29 a.m. reconvened meeting.

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Tribal Chairman's written and verbal report for November 21, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:50 a.m. Public Comment opened: Andrew Stich, Carol McFall

11:53 a.m. Public comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #112104-01 Inter-Tribal Great Lakes Accord.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to approve Councilor Harrington as the Little Traverse Bay Bands of Odawa Indians representative on the Bay Mills Community College Board. Serving until he is replaced by Tribal Council action and to include stipend, per diem, mileage and lodging.

Vote: 6 Yes, 0 No, 0 Absent, 1 Abstained (Tribal Councilor Fred Harrington, Jr.)

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #112104-02 Regional Great Lakes Declaration.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

12:13 p.m. Lunch recess called

1:57 p.m. meeting reconvened

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr. for any Councilor to attend the Indian Board Members Conference in Las Vegas on December 5-8, 2004, to include mileage, stipend, lodging and per-diem.

Vote: 5 Yes, 2 No (Treasurer Alice Yellowbank, Vice-Chairman Beatrice A. Law), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley for any Tribal Council member wishing to attend the Indian Child Welfare meeting, Title IV E Funding on December 15, 2004 at Victories Hotel to include mileage, stipend, lodging and per-diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Legal Department's report as presented by James Bransky, General Counsel for November 21, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to adopt Resolution #112104-03 Litigation Support Request for C.O.R.A. FY2005 U.S. v Michigan.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Rita Shananaquet to direct the General Counsel to answer the suit #003-1203 and further the General Counsel to pursue court case and file against appellant Carter McFall for filing of all frivolous suits to date.

Motion dies due to lack of support

2:48 p.m. recess called

3:16 p.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to send draft Bylaws for review, changes, and approval to the following: Gaming Administration, Natural Resources Commission, Indian Child Welfare Commission, Health Commission, Enrollment Commission, Economic Development Commission, Housing Commission, Education Commission, and Election Board. After review changes and approval each set of bylaws shall be returned to the Tribal Council for review and approval.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Gaming Administration's written and verbal report as presented by Judy Pierzynowski Vice-Chairperson for November 21, 2004.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve the Regulatory Commission's Budget Modification request # 1103-0-37-02 for an increase of \$8,000 to come from vendor and licensing fees.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve Budget Modification 1103-0-31-02 for \$500 for the Economic Development Commission to come from prior year funds.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #112104-04, Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services Health Resources and Services Administration, Healthy Start Program.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve the BIA-Tribal Court budget modification request #3109-3 for an increase of \$35,211 to come from prior year fund balance.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to enact Waganakising Odawak Statute, Gaming Board of Directors Statute, additionally the present Gaming Administration shall be appointed in its entirety as the Gaming Board of Directors, on December 21, 2004.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

4:39 p.m. Councilor Rita Shananaquet leaves

4:44 p.m. Councilor Rita Shananaquet returns

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara

Motion Withdrawn

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to approve the Trust Fund Board Bylaws as presented and corrected November 21, 2004.

Vote: 3 Yes, 4 No (Councilor Rita Shananaquet, Councilor Regina Gasco Bentley, Treasurer Alice Yellowbank, Secretary Dexter McNamara), 0 Absent, Abstained

Motion Fails

4:51 p.m. Public Comment opened, no comment from the public

4:51 p.m. Public comment closed

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to approve the Trust Fund Board Bylaws as presented and corrected November 21, 2004. Additionally, extraordinary circumstances means in situations where vital interests of the Tribe require immediate emergency action prior to regular meetings.

Vote: 4 Yes, 3 No (Vice-Chairperson Beatrice A. Law, Treasurer Alice Yellowbank, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize the Tribal Chairman to sign the contract with the Chippewa Ottawa Resource Authority in the amount of \$80,000 for FY 2005, funding to come from the annual Consent Decree Fund.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Burial Fund request #A0088 for \$204.24.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to approve Burial Fund request #A0089 for \$743.15.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve payment of the National Indian Gaming Association dues of \$15,000 to be paid from Tribal Council budget 1101-0-00.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

5:15 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to adjourn.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date